

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHNATHAN ARNOLD,

Plaintiff,

-against-

DOMINICK PIACENTE; PAUL ARTETA,

Defendants.

24-CV-8799 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff initiated this action *pro se* by filing a complaint and an application to proceed *in forma pauperis* (“IFP”). By order dated December 2, 2024, the Court directed Plaintiff to pay the \$405.00 in fees to proceed with this action or submit a prisoner authorization. On December 19, 2024, counsel for Plaintiff submitted a letter to the Court indicating that Plaintiff had retained the law firm of Schulte Roth + Zabel on a *pro bono* basis, and therefore, Plaintiff no longer needed to file a prisoner authorization. (ECF 5, at 2.) The letter also indicated that counsel intended to move to consolidate this action with another pending action, *see Arnold v. Kelly*, No. 24-CV-0783 (PMH) (S.D.N.Y.). As of the date of this order, counsel for the law firm has not filed a notice of appearance in this action.

**CONCLUSION**

To proceed with this new action, Plaintiff must pay the fees or ask that the fees be waived. Because Plaintiff submitted an IFP application, the Court assumes he is asking for a waiver. Accordingly, the Court grants Plaintiff an additional 30 days to submit the attached prisoner authorization.

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff and to Daryoush Behbood at Schulte Roth + Zabel, 919 Third Avenue, New York, NY 10022.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: February 19, 2025  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge

---



---

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

(full name of the plaintiff/petitioner)

-against-

---

CV

(     ) (     )

(Provide docket number, if available; if filing this with your complaint, you will not yet have a docket number.)

---

(full name(s) of the defendant(s)/respondent(s))

**PRISONER AUTHORIZATION**

By signing below, I acknowledge that:

- (1) because I filed this action as a prisoner,<sup>1</sup> I am required by statute (28 U.S.C. § 1915) to pay the full filing fees for this case, even if I am granted the right to proceed *in forma pauperis* (IFP), that is, without prepayment of fees;
- (2) the full \$350 filing fee will be deducted in installments from my prison account, even if my case is dismissed or I voluntarily withdraw it.

I authorize the agency holding me in custody to:

- (1) send a certified copy of my prison trust fund account statement for the past six months (from my current institution or any institution in which I was incarcerated during the past six months);
- (2) calculate the amounts specified by 28 U.S.C. § 1915(b), deduct those amounts from my prison trust fund, and disburse those amounts to the Court.

This authorization applies to any agency into whose custody I may be transferred and to any other district court to which my case may be transferred.

---

Date

---

Signature

---

Name (Last, First, MI)

---

Prison Identification #

---

Address

City

State

Zip Code

---

<sup>1</sup> A "prisoner" is "any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms or conditions of parole, probation, pretrial release, or diversionary program." 28 U.S.C. § 1915(h).